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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LIDYA MARIA RADIN, :

Plaintiff, :

-against- :

DOCTOR TUN; DOCTORS AND STAFF AT RIKER’S :

ISLAND PRISON MENTAL HEALTH DEPARTMENT; :

DAPHNE HERARD; JESIKA ASARO; ROSE CHAN; :

MARIANNE CAPONE; LENA BLAU; BOB ARKOW; :

HAROLD CHARLES; MARGARITA GORMUS; :

MALANIE SPRITZ; LISA CHOLEFF; BRENDA R. :

HARRIS; ALKESH NAVIN PATEL; RAUL CALICDAN; :

RUKHASANA RASHEED; ESSAM YOUSEF; :

SHAHEENA AHMED; DR. MORALES; DR. GLICK; DR. :

GOME; DR. ROBERT LAMPSKE; PHD BRYAN :

FALLON; M.D. RAYMOND CLOVIS; PHYSICIAN :

ASSISTANT CHARLES; ELMHURST HOSPITAL, ITS :

DOCTORS AND STAFF; PARTICIA GUZOWSKI :

LCSW; DR. MICHELLE KANALY; DR. MICHAEL :

MANASHEROV; J. LOWNY, New York City :

Department of Probations Officer; S. SELTZER, :

Supervisor; OFFICER RUBINKOWSKI, Probations Officer: :

at Riker’s Island; VINCENT N. SCHIRALDI, :

Commissioner of Probation, DANIEL CURROW; :

ALBERT EINSTEIN COLLEGE OF MEDICINE OF :

YESHIVA UNIVERSITY; M.D. JAMES DAVID :

(JIMMY); MARTIN BOCKSTEIN; JUDGE ROBERT D. :

PATTERSON, JR.; JUDGE GUIDO CALABRESI; JUDGE: :

JANE A RESTANI; U.S. MARSHAL JAMES HOWARD; :

U.S. MARSHAL IMMANUEL MISCHA WARTOFSKY; :

U.S. MARSHAL SHERI ROBINSON; JUDGE PAMELA :

CHEN; MAGISTRATE JUDGE VERA SCANLON; JOHN: :

DOES 1-100, :

Defendants. :

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12-CV-1393 (ARR)

NOT FOR ELECTRONIC  
OR PRINT PUBLICATION

OPINION & ORDER

ROSS, United States District Judge:

Plaintiff, acting pro se, filed her initial complaint in this action on March 15, 2012. DE #1. Having amended her claim once in July 2012, DE #7, plaintiff again sought to amend her complaint in early 2013, and her deadline to file her second amended complaint was extended multiple times. Plaintiff finally filed her Second Amended Complaint on May 28, 2014, DE #83, but shortly thereafter informed Judge Chen and Magistrate Judge Scanlon, who were both then assigned to the case, that there were errors in the Second Amended Complaint. Plaintiff was given leave to file her corrections, and her (Corrected) Second Amended Complaint, which named a number of additional defendants was filed June 12, 2014. DE #91. Plaintiff's (Corrected) Second Amended Complaint asserts claims against a litany of defendants for violations of her civil rights pursuant to 42 U.S.C. §§ 1983, 1985, 1986, and 1988.

#### **Claims against Judge Chen and Magistrate Judge Scanlon**

In particular, plaintiff's (Corrected) Second Amended Complaint asserts claims against Judge Pamela Chen and Magistrate Judge Vera Scanlon related to Judge Chen's April 29, 2014 denial of plaintiff's request for a protective order against an individual not named in the complaint. DE #91, ¶¶ 75-79. Plaintiff alleges that Judge Chen and Magistrate Judge Scanlon "refused to meaningfully respond." Id., ¶ 79.

Plaintiff's claims against Judge Chen and Magistrate Judge Scanlon must be dismissed because they are clearly barred by the doctrine of judicial immunity. "[D]istrict courts may dismiss a frivolous case sua sponte even when the plaintiff has paid the required filing fee." Hawkins-El v. AIG Fed. Sav. Bank, 334 F. App'x 394 (2d Cir. 2009) (summary order) (quoting Fitzgerald v. First. E. 7th St. Tenants Corp., 221 F.3d 362, 364 (2d Cir. 2000)). In particular,

claims may be dismissed sua sponte where the defendant is entitled to judicial immunity. See Miller v. Cnty. of Nassau, 467 F. Supp. 2d 308, 312 (E.D.N.Y. 2006). It is well settled that judges have absolute immunity for all acts taken in their judicial capacity, see Mireles v. Waco, 502 U.S. 9, 11-12 (1991), and their immunity is not overcome even by allegations of bad faith or malice, Pierson v. Ray, 286 U.S. 547, 554 (1967). Because the actions alleged in the complaint were taken within the scope of Judge Chen's and Magistrate Judge Scanlon's judicial responsibilities and plaintiff has not alleged that they were acting outside the scope of their jurisdiction, they are absolutely immune from plaintiff's claims.

### **Conclusion**

For the foregoing reasons, plaintiff's claims against Judge Pamela Chen and Magistrate Judge Vera Scanlon are dismissed with prejudice. The Clerk of the Court is directed to remove the dismissed defendants from the docket.

SO ORDERED.

s/Allyne R. Ross

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Allyne R. Ross  
United States District Judge

Dated: June 30, 2014  
Brooklyn, New York

**SERVICE LIST**

**Lidya Maria Radin**

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